IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9809 of 2004

Between:
Smt. Atmakuri Krishna W/o. Hanumaiah
Karumanchi Gram Panchayat Tangutur Mandal, Prakasam District.
..... PETITIONER

AND

1 The District Panchayat Officer, Prakasam District Ongole
2 Assistant Treasury Officer O/o Divisional Treasury Officer, Ongole.
3 The Extention Officer (PR & RD) Tanguturu, Prakasam District.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more in the nature of writ of mandamus declaring the action of the 1st respondent in issuing the impunged proceedings Roc No.698/2004 (P)A1, dated 7-6-2004 as illegal, arbitrary and violative of Art 14 of the Constitution of India and consequentially to direct the respondents to permit the petitioner to dischage his legitimate duties including drawal of funds as Sarpanch of Karumanchi Gram Panchaat, Tanguturu Mandal, Prakasam District and to pass such

For the Petitioner:MR.M.SUDHIR KUMAR

For the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court Made the Following :

ORDER:

The petitioner, Sarpanch, Karumanchi Gram Panchayat,

Prakasham District, challenges the proceedings in R.O.C .No.698/2004(P) A1, dated 7-6-2004 issued by the 1st respondent, District Panchayat Officer, Ongole stopping him from drawing the funds of the Gram Panchayat as illegal and arbitrary.

Heard both sides.

The learned Government Pleader for Panchayat Raj Submits that against the impugned proceedings, under Rule 42(2) of G.O.Ms.No. 30, dated 20-1-1995, an effective alternative remedy by way of appeal is provided before the District Collector and that the petitioner without exhausting the remedy available invoked the jurisdiction of this Court.

In this view of the matter, the petitioner is permitted to file an appeal against the impugned proceedings before the District Collector as provided under Rule 42(2) of G.O.Ms.No. 30, dated 20-1-1995, within a period of two weeks from today. Till the petitioner files appeal, the impugned order shall stand stayed.

Subject to the above observation the writ petition is dismissed. No costs.

Sd/- Assistant Registrar

/true copy/

Section Officer.

1 The District Panchayat Officer, Prakasam District Ongole
2 Assistant Treasury Officer O/o Divisional Treasury Officer,Ongole.
3 The Extention Officer (PR & RD) Tanguturu, Prakasam District. 4 One C.C.to Sri M. Sudheer Kumar, Counsel for Petitioner(OPUC) 5 The G.P.for Panchayat Raj & Rural Development,High Court of Andhra Pradesh, Hyder (OUT)

6 The District Collector, Prakasam District, Ongole.

7 One spare